

STATEMENT OF BASIS (AI No. 14092)

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0100510 to discharge to waters of the State of Louisiana.

THE APPLICANT IS: Hard Rock Marine Service, L.L.C.
709 Jean Lafitte Blvd.
Lafitte, LA 70067

ISSUING OFFICE: Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313

PREPARED BY: Gene Jarreau

DATE PREPARED: December 4, 2009

1. PERMIT STATUS**A. Reason For Permit Action:**

Permit reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. NPDES permit – NPDES permit effective date: N/A
NPDES permit expiration date: N/A
EPA has not retained enforcement authority.

C. LPDES permits – LA0100510
LPDES permit effective date: February 1, 2004
LPDES permit expiration date: January 31, 2009

D. Date Application Received: June 17, 2008. An Application Addendum was received on April 3, 2009. Additional information received via e-mail on December 4, 2009.

2. FACILITY INFORMATION**A. FACILITY TYPE/ACTIVITY - vessel repair facility**

This is an existing vessel repair facility. The source of water supply is Intracoastal Waterway brackish water for dry dock ballast (5,000 GPD), and municipal fresh water for sanitary (600 GPD). The facility conducts welding, painting, and sand blasting to repair large and small vessels. There is a dry dock. Effluent limitations and monitoring requirements for one stormwater outfall, and other requirements have been placed in the permit for this facility's stormwater discharges. Facility dry dock ballast water discharges are from the receiving waters, used and returned directly back in dry dock ballast operations. Treated sanitary wastewater discharges will be covered by this permit from a standard 1000 GPD treatment unit and a standard 500 GPD treatment unit. Used oil and paint waste is hauled off for waste treatment.

B. FEE RATE

1. Fee Rating Facility Type: minor
2. Complexity Type: I (BPJ based on Interim Strategy for Complexity Designation Determinations for SIC Codes 3731 and 3732)

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- 3. Wastewater Type: III
- 4. SIC code: 3731

C. LOCATION - 709 Jean Lafitte Blvd. in Lafitte, Jefferson Parish
Latitude 29° 45' 38", Longitude 90° 05' 52"

3. **OUTFALL INFORMATION**

Outfall 002

Discharge Type: treated sanitary wastewater
Treatment: Aeration; Sedimentation; Chlorination
Location: at the point of discharge from the STP, on the south side of the office building along the eastern property line, prior to combining with other waters
Flow: 300 GPD (Intermittent)
Discharge Route: by pipe into an adjacent ditch, thence into the Intracoastal Waterway

Outfall 03B

Discharge Type: facility ballast water, dry dock ballast water, and void water
Treatment: None
Location: at the point of discharge from the vessel/dry dock prior to combining with other waters
Flow: 5,000 GPD (Intermittent)
Discharge Route: by pump into the Intracoastal Waterway

Outfall 004

Discharge Type: stormwater runoff
Treatment: Screening
Location: at the point of discharge along the eastern property line, prior to combining with other waters
Flow: Varies (Intermittent)
Discharge Route: by divergent ditch into an adjacent ditch, thence into the Intracoastal Waterway

Outfall 005

Discharge Type: treated sanitary wastewater
Treatment: Aeration; Sedimentation; Chlorination
Location: at the point of discharge from the STP, adjacent to the work shed on the north side of Jean Lafitte Blvd., prior to combining with other waters
Flow: 300 GPD (Intermittent)
Discharge Route: by pipe into the Intracoastal Waterway

4. **RECEIVING WATERS**

STREAM - Intracoastal Waterway

BASIN AND SEGMENT - Barataria Basin, Segment 020601

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- DESIGNATED USES -
- a. primary contact recreation
 - b. secondary contact recreation
 - c. propagation of fish and wildlife

5. TMDL STATUS

Subsegment 020601, Intracoastal Waterway – from Bayou Villars to Mississippi River, is listed on LDEQ's Final 2006 303(d) List as impaired for fecal coliform. To date no TMDLs have been completed for this waterbody. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a TMDL.

Fecal Coliform

Effluent limitations and monitoring requirements have been added due to the fecal coliform impairment, since fecal coliform is known to be present in sanitary wastewater. These requirements are established based on the Class I Sanitary General Permit and LAC33:IX.2709.D, and will be used to gather data for possible future TMDL development.

6. CHANGES FROM PREVIOUS PERMIT

Operator name changed from "LMS Shipmanagement, Inc." to "Hard Rock Marine Service, L.L.C.".

Facility name is now the Operator name.

Facility type changed from "barge cleaning and repair facility" to "vessel repair facility".

Outfall 001 – Treated sanitary wastewater outfall has been deleted, but Outfall 002 has been added.

Outfall 002 – Treated sanitary wastewater outfall has been added, as stated in the Outfall Information section and the Rationale section.

Outfall 03B – Facility ballast water, dry dock ballast water, and void water outfall has been added, as stated in the Outfall Information section and the Rationale section.

Outfall 004 – This facility no longer washes barges and equipment; therefore, the outfall designation has been reassigned to a new discharge. This outfall now includes discharges of stormwater runoff. The location has changed from "at the point of discharge from the sand filter prior to combining with other waters" to "at the point of discharge along the eastern property line, prior to combining with other waters". Effluent characteristics, discharge limitations, and monitoring requirements have changed, as seen in the Existing Effluent Limits section and the Rationale section. Therefore, the Outfall Information section has also changed.

Outfall 005 – The facility no longer requires an outfall for washwater; therefore, the outfall designation has been reassigned to a new discharge. This outfall now includes discharges of treated sanitary wastewater. The location has changed from "at the point of discharge from the sand filter prior to combining with other waters" to "at the point of discharge from the STP, adjacent to the work shed on the north side of Jean Lafitte Blvd., prior to combining with other waters". Effluent characteristics, discharge limitations, and monitoring requirements have changed, as seen in the Existing Effluent Limits section and the Rationale section. Therefore, the Outfall Information section has also changed.

The Complexity Type has changed from "II" to "I" (due to the changes in types of discharges and BPJ based on Interim Strategy for Complexity Designation).

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The SIC Codes have changed from "3731, 4499, 4491" to "3731".

The receiving waters Subsegments have changed from 020802 and 020601, to 020601.

The Commodity List has been deleted, for the current operator does not clean barges and vessels containing dry commodities.

The Total Rating Points Assigned has changed from 10 to 0 (due to changes in the Complexity Type).

7. COMPLIANCE HISTORY/COMMENTS

A compliance history/DMR review was done covering the period of November 20, 2006 to November 20, 2009.

Compliance History – There are no known open, appealed, or pending water enforcement actions as of November 20, 2009.

DMR Review/Exceedances Reported – A DMR review from November 20, 2006 to November 20, 2009 noted no exceedances. However, some DMRs were missing during the file review. Missing DMRs for the monitoring period of June 23, 2008 to June 3, 2009 were submitted to LDEQ on August 28, 2009.

Inspections – The last known water permit inspection was performed on June 3, 2009. Areas Of Concern (later corrected) from this inspection were the basis for a Referral from LDEQ Surveillance to LDEQ Enforcement on September 24, 2009. Areas evaluated during the inspection as unsatisfactory were records/reports, self-monitoring program, and stormwater. Inspector's Observations noted: The facility failed to develop a SWPPP and conduct all monitoring of their outfalls, as required in the existing permit (since the permit application was completed). According to the company consultant, the facility did not understand that the monitoring requirements in the existing permit were still effective, for they were waiting to receive a new permit from LDEQ. Therefore, the facility failed to submit DMRs since the permit application was completed. They have agreed to retroactively submit DMRs for the missing monitoring periods and develop the SWPPP. (Missing DMRs for the monitoring period of June 23, 2008 to June 3, 2009 were submitted to LDEQ on August 28, 2009.) An additional outfall from another sewage treatment plant has been added to the permit application. No discharge was observed. Internal barge hydroblast washwater and equipment washwater is not currently discharged. A SPC Plan has been completed and implemented on site since 2008. There have been no enforcement actions since the permit application was completed.

Please be aware that the Department has the authority to reduce monitoring frequencies when a permittee demonstrated two or more consecutive years of permit compliance. Monitoring frequencies established in LPDES permits are based on a number of factors, including but not limited to, the size of the discharge, the type of wastewater being discharged, the specific operations at the facility, past compliance history, similar facilities, and best professional judgment of the reviewer. We encourage and invite each permittee to institute positive measures to ensure continued compliance with the LPDES permit, thereby qualifying for reduced monitoring frequencies upon permit reissuance. If the Department can be of any assistance in this area, please do not hesitate to contact us. As a reminder, the Department will also consider an increase in monitoring frequency upon permit reissuance when the permittee demonstrates continued non-compliance.

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8. EXISTING EFFLUENT LIMITS

Outfall 001: The discharge of treated sanitary wastewater from the administrative office.

Effluent Characteristic	Monthly Average	Weekly Average	Frequency
Flow – MGD	Report	Report	1/6 months
BOD5	---	45 mg/L	1/6 months
TSS	---	45 mg/L	1/6 months
Fecal Coliform	---	400 colonies/ 100 mL	1/6 months
pH (standard units)	---	6.0 (minimum) – 9.0 (maximum)	1/6 months

Outfall 004: Treated barge and equipment washwater.

Effluent Characteristic	Monthly Average	Daily Maximum	Frequency
Flow - MGD	Report	Report	1/quarter
COD	200 mg/L	300 mg/L	1/quarter
Oil & Grease	---	15 mg/L	1/quarter
TSS	---	45 mg/L	1/quarter
Visible Sheen	---	No Presence	1/day
Soaps &/or Detergents	Report	---	1/quarter
pH (standard units)	---	6.0 (minimum) – 9.0 (maximum)	1/quarter

Outfall 005: Internal and external barge hydroblast washwater, equipment washwater and stormwater.

Effluent Characteristic	Monthly Average	Daily Maximum	Frequency
Flow – MGD	Report	Report	1/quarter
COD	200 mg/L	300 mg/L	1/quarter
Oil & Grease	---	15 mg/L	1/quarter
TSS	---	45 mg/L	1/quarter
Visible Sheen	---	No Presence	1/day
Soaps &/or Detergents	Report	---	1/quarter
pH (standard units)	---	6.0 (minimum) – 9.0 (maximum)	1/quarter

9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 020601 of the Barataria Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated November 17, 2008 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

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10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharge described in the application.

12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

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Rationale for Hard Rock Marine Service, L.L.C.

1. **Outfalls 002 and 005:** the intermittent discharge of treated sanitary wastewater.

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L		
Flow – MGD	Report	Report	LAC 33:IX.2707.1.1.b
BOD ₅	30	45	BPJ; LAG530000
TSS	30	45	BPJ; LAG530000
Fecal Coliform colonies/100ml	200	400	BPJ; LAG530000
pH, s.u.	6.0 (min)	9.0 (max)	LAC 33:IX.1113.C.1

BPJ Best Professional Judgment

Treatment: Aeration; Sedimentation; Chlorination

Monitoring Frequency: 1/6 months for all parameters, at the point of discharge from the STP, prior to combining with other waters.

Limits Justification: BPJ; per the Class I Sanitary Discharge General Permit (LAG530000), Schedule B, Treated Sanitary Wastewater less than 5000 GPD and similar discharges. The statistical basis for flow, BOD₅, TSS, and fecal coliform has been established as daily maximum discharge limitations instead of weekly average discharge limitations. This is consistent with current guidance for sanitary discharges at industrial facilities.

2. **Outfall 03B:** the intermittent discharge of facility ballast water, dry dock ballast water, and void water.

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L		
Flow – MGD	Report	Report	LAC 33:IX.2707.1.1.b
COD *	---	250	Similar Discharges; BPJ
Oil & Grease *	---	15	Similar Discharges; BPJ
Visible Sheen	---	No Presence	Similar Discharges; BPJ
pH, s.u.	6.0 (min)	9.0 (max)	LAC 33:IX.1113.C.1

BPJ Best Professional Judgment

* Discharge shall be sampled whenever there is a presence of a visible sheen.

Treatment: None

Monitoring Frequency: 1/day for Visible Sheen. Flow, COD, Oil & Grease, and pH shall be monitored once per event, at the point of discharge from the vessel/dry dock prior to combining with other waters.

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Limits Justification: Limits and Monitoring Frequency are based on current guidance for similar discharges from other industrial facilities.

3. **Outfall 004:** the intermittent discharge of stormwater runoff.

Pollutant	Limitation		Reference
	Monthly Avg	Daily Max	
	mg/L		
Flow – MGD	Report	Report	LAC 33:IX.2707.I.1.b
TOC	---	50	LDEQ Stormwater Guidance
Oil & Grease	---	15	LDEQ Stormwater Guidance
pH, s.u.	6.0 (min)	9.0 (max)	LAC 33:IX.1113.C.1

Treatment: Screening

Monitoring Frequency: 1/quarter for all parameters, at the point of discharge, prior to combining with other waters.

Limits Justification: Limits and Monitoring Frequency are based on LDEQ Stormwater Guidance, letter dated 6/17/87, from J. Dale Givens (LDEQ) to Myron Knudson (USEPA), and current guidance for stormwater discharges at industrial facilities.

Storm Water Pollution Prevention Plan (SWP3) Requirement

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water discharges shall not be required to obtain an LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC code 3731 are considered to have storm water discharges associated with industrial activity. In addition to the SWP3, the barge BMPs will be applied because barge BMPs are comparable to the SWP3 requirements.

For first time permit issuance, the SWP3 shall be prepared, implemented, and maintained within six (6) months of the effective date of the final permit. **For renewal permit issuance,** the SWP3 shall be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in storm water discharges associated with industrial activity at the facility (see Part II of the permit).